

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

* * *

| | |
|------------------------------|----------------------------|
| ANNA M. CLAYTON |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) Case No. : 7:08-cv-00592 |
| |) |
| |) |
| JAMES DICKENS, and |) |
| JEMKO TRANSPORT, INC. |) |
| |) |
| Defendants |) |

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD

Comes now Plaintiff ANNA M. CLAYTON (hereinafter "Plaintiff Clayton"), by counsel, and moves this Court for the entry of an Order relieving Danny D. Ashwell, Jr., Esq. and Crandall & Katt, Attorneys and Counselors at Law (hereinafter collectively as "Counsel"), as counsel of record for Plaintiff Clayton, and in support thereof states as follows:

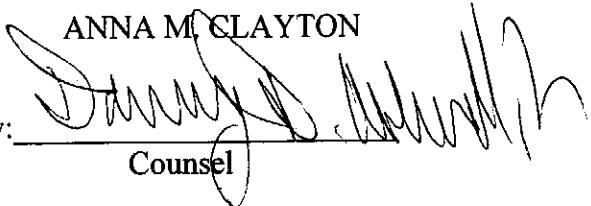
1. Withdrawal of Counsel is necessary pursuant to Rule 1.16 (b)(6) of the Virginia Rules of Professional Conduct.
2. Plaintiff Clayton and Counsel are unable to reach an agreement in how to prudently proceed with her case.
3. Suggested compromises have been ineffective in resolving the disagreements between Plaintiff Clayton and Counsel.
4. On November 10, 2009, Plaintiff Clayton informed Counsel that she was terminating Counsel's representation.
5. From November 10, 2009 to the present date, Counsel has attempted to secure new representation for Plaintiff Clayton.
6. Counsel has exercised due diligence to find new representation for Plaintiff

Clayton, but Counsel has been unsuccessful in these attempts.

7. Plaintiff Clayton has been, and continues to be, uncooperative with Counsel.
8. Counsel is no longer able to provide Plaintiff Clayton with effective representation.
9. Notice of this Motion has been given to the Defendant through First Class Mail, email and facsimile.
10. Notice of this Motion has been verbally conveyed, and mailed, to Plaintiff Clayton.

WHEREFORE, Plaintiff Clayton and Counsel respectfully request that this Court enter an Order relieving Danny D. Ashwell, Jr., Esq. and Crandall & Katt, Attorneys and Counselors at Law, as counsel of record for Plaintiff ANNA M. CLAYTON.

Respectfully submitted,

ANNA M. CLAYTON
By: 
Counsel

Danny D. Ashwell, Jr., Esq. (VA. State Bar No. 67914)

CRANDALL & KATT

366 Elm Avenue, S.W.

Roanoke, Virginia 24016

Telephone: (540) 767-0400

Facsimile: (540) 767-0414

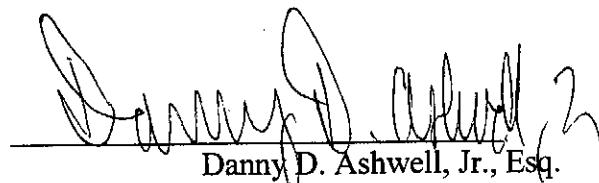
Email: Dashwell@crandalllaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion for Leave to Withdraw as Counsel of Record was faxed and mailed first class postage prepaid, to

Mr. David W. Hearn, Esq. (VSB # 37347)
Sands Anderson Marks & Miller, PC
801 East Main Street, Suite 1800
Richmond, VA 23219-1998
Phone: (804) 783-7296
Fax: (804) 783-7291
Counsel for Defendants

on this the 17th day of December 2009.



Danny D. Ashwell, Jr., Esq.